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Appl. No. 10/707,320
Amdt. dated October 18, 2006
Reply to Office action of September 01, 2006

REMARKS/ARGUMENTS

1. Rejection of claims 1-10 under 35 U.S.C. 112, second paragraph:

Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regard as the invention. There is insufficient antecedent basis for the limitation "the reference table" in these claims.

Regarding claims 1 and 6,

After reviewing the disclosure and the drawings, as it pertains to the elected invention, it is not clear how the control signal is changed according to the difference between the bias voltage and the output voltage, since the disclosure and the drawings as understood by the examiner compare the difference between the constant first signal and the analog second signal.

Response:

Claims 1-4 and 6-9 have been amended to overcome the claim rejections. The claims now recite that the control signal is changed according to the level of the output voltage. As shown in Figure 2 of the instant application, the output voltage 74B is fed back to the control circuit 58 for producing the control signal 78, which is then provided to the pickup head 56. No new matter is added through this amendment, and reconsideration of claims 1-10 is respectfully requested.

2. Rejection of claims 1-10 and 19-25 under 35 U.S.C. 103(a):

Claims 1-10 and 19-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's admitted prior art (APA) in view of Fairgrieve (US 2004/0202216).

Response:

The instant application relies on foreign priority under 35 U.S.C 119(a)-(d) of

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Taiwan application No. 091135337, filed on 12/05/2002. The specification of the instant application is an accurate translation of the specification of the corresponding Taiwan application. Therefore, all subject matter taught in the US application is also taught in the Taiwan application. A translation of Taiwan application No. 091135337 into English is attached.

Fairgrieve was filed on 02/04/2004, and claims priority on US provisional application 60/461,733, which was filed on 04/09/2003. Therefore, Fairgrieve does not qualify as prior art under 102(a) or 102(e) since its earliest effective filing date is 04/09/2003, which is after the filing date of 12/05/2002 for the Taiwan application No. 091135337 relied upon by the instant application for priority. Thus, the Fairgrieve publication cannot be used as prior art for the instant application.

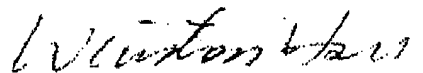
To overcome the rejection of claims 1-10 and 19-25, a translation of Taiwan application No. 091135337 into English is attached. The Taiwan application is relied upon for foreign priority under 35 U.S.C 119(a)-(d).

Reconsideration of claims 1-10 and 19-25 is respectfully requested.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

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Sincerely yours,



Date: 10/18/2006

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